

MOTION BY SUPERVISOR DON KNABE

September 19, 2006

One of Los Angeles County's top priorities is protecting the public from harm. Accordingly, when this Board takes action to ensure that protocols are implemented to provide the public with timely notification of potential health risks, it expects conscientious and continuing adherence to those procedures.

Unfortunately, the protocols failed on August 8, 2006, when 20,000 to 30,000 gallons of raw sewage spilled onto our beaches and the Department of Public Health was not immediately notified. The twelve hour delay in notifying the Public Health Department put affected beachgoers at potential risk.

A similar spill occurred on November 3, 2001, when a pumping plant failure caused the discharge of approximately 1.4 million gallons of raw sewage into the ocean. The problem went undetected for almost 15 hours. An additional 12 hours passed before sanitation officials notified the Department of Health. For over 24 hours, unsuspecting members of the public were exposed to contaminated waters, over an approximately nine and a half mile stretch of beach.

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MOTION

MOLINA _____

BURKE _____

YAROSLAVSKY _____

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ANTONOVICH _____

On November 6, 2001, this Board unanimously passed my motion (attached) calling for findings and recommendations on what should be done to prevent this potential health hazard from ever happening again. On December 10, 2001, we received a report assuring us that affected County departments and interested environmental groups reviewed the 2001 incident, and had developed procedures to improve public notification and, thus, prevent a reoccurrence.

Yet on Tuesday, August 8, 2006, the Department of Public Health's Environmental Health Division received notice that a city sewage pumping station had failed overnight in Culver City and that raw sewage had discharged into Ballona Creek, from which it flowed into the ocean. Unfortunately, nearly 12 hours went by before the Department of Public Health was actually notified. This delay in notification meant that people could have been swimming in contaminated water that morning and early afternoon, without notice of the potential harm.

The issue is whether this communication breakdown is an exception to the rule, or is it an indication that what is currently in place is incomplete or a failure. We already know that the current system has failed twice under normal conditions. How reliable can we expect it to be in a disaster?

We need a thorough and independent review of what is currently in place. However, I don't want another report back saying that there are standards, procedures, State laws and regulations regarding handling sewage spill incidents; I already know that. This Board needs an explanation as to why the safeguards implemented after the 2001 spillage failed, and how to strengthen and monitor them. We must do this to prevent an avoidable delay in informing the beach-going public of a potential health risk, from ever happening again.

I, THEREFORE, MOVE that the Board of Supervisors instruct the Auditor-Controller, in close consultation with the County Public Health Commission, to report back within 90 days on actions to:

1. Conduct a full-scale review and analysis as to the factors which led to the delay in notifying the Department of Public Health of the August 8, 2006 sewage spill, despite the 2001 report stating that notification procedures were in place;
2. Review existing County, State and other standards and procedures pertaining to protection of the public's health and safety during sewage spills under both normal and disaster conditions, and make any appropriate recommendations, including, but not limited to, any new legislation that may be needed;
3. Recommend, in conjunction with County Counsel, improved enforcement methods, including criminal sanctions, and strengthened laws and regulations to apply when the County's Public Health officer is not immediately notified of a spillage; and,
4. Assess the current system, in consultation with interested environmental groups, of each sewage spill from January 2002 through July 2006 to determine if all standards and procedures were followed, if public notices were posted without avoidable delay, if methods of communication, documentation and responses were sufficient, and whether all affected departments and agencies acted appropriately.

The CAO, Director of Public Health and County Counsel are instructed to provide full cooperation and staff assistance to the Auditor-Controller and Commission.

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Attachment

SYN. NO. 53

AGN. NO. 57

MOTION BY SUPERVISOR DON KNABE

November 6, 2001

On Saturday, November 3, 2001 a power failure caused a pumping plant to spill approximately 1.4 million gallons of raw sewage forcing the closure of 9 1/2 miles of County beaches. As bad as that was, the problem was compounded by a lack of timely and effective notice to the public of the potential hazards to their health.

In this case, the problem went undetected for almost 15 hours and an additional 12 hours passed before the County was notified. Meanwhile, for over 24 hours, unsuspecting members of the public were exposed to contaminated waters with no signs or verbal warnings notifying them of potential harm.

This case points out a serious breakdown in communication between the source of the problem and those with the responsibility of notifying the public. This is clearly unacceptable and must never happen again. The Board and the public rightly expect at least the following standards and procedures to be in place and working:

- Assignment of lead agency responsibility;

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Adopt

- An interagency body or bodies which meets regularly to maintain and improve procedures for preventing and managing sewage spills and other shoreline health hazards;
- Fail-safe communication and escalation procedures for rapid interagency and public notification and response, including nights and weekends;
- Specific minimum standards governing the speed and extent for such communication and escalation takes place;
- Procedures to thoroughly document each step in responding to a spill or other hazard event; and,
- A process to evaluate the speed and effectiveness of each response after the fact and make improvements.

I, THEREFORE, MOVE THAT the CAO in consultation with Beaches and Harbors, Sanitation District, Health Services, Fire Department/Lifeguards, and representatives from Beach cities, to report back to the Board in 30 days on:

1. The adequacy of existing standards and procedures, especially during nights and weekends, for interagency coordination and notification hazards affecting County shorelines; and,
2. What breakdowns occurred in existing procedures which contributed to the delays in notification and response to the November 3, 2001 spill; and what protocols should be in place to prevent this breakdown of communication in the future.

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